

SPECIAL COUNCIL MEETING

MARCH 20, 2013

The Council Meeting of the Council of the County of Kaua'i was called to order by the Council Chair Jay Furfaro at the Council Chambers, 4396 Rice Street, Room 201, Līhu'e, Kaua'i, on Wednesday, March 20, 2013 at 8:34 a.m., after which the following members answered the call of the roll:

Honorable Tim Bynum (*present at 8:39 a.m.*)
Honorable Gary L. Hooser
Honorable Ross Kagawa
Honorable Nadine K. Nakamura
Honorable Mel Rapozo
Honorable JoAnn A. Yukimura (*present at 8:36 a.m.*)
Honorable Jay Furfaro

APPROVAL OF AGENDA.

Mr. Rapozo moved for approval of the agenda as circulated, seconded by Ms. Nakamura, and unanimously carried.

INTERVIEW:

BUILDING BOARD OF APPEALS:

- **Heath Allen Prow** – Term ending 12/31/2015

Chair Furfaro: Aloha, good morning Heath.

HEATH ALLEN PROW: Good morning.

Chair Furfaro: I would like to start by asking you to give us a little background and share with us a little bit about yourself. Go right ahead.

Mr. Prow: Well, I came to the island in 2005 after I graduated college from Colorado State University. Then I worked at Kodani and Associates for three (3) to four (4) years doing civil design and then I worked at the Water Department for another...a little over two (2) years in the Water Resources and Planning Division. About a year and a half ago I went out on my own and started my own business, civil engineering business.

Chair Furfaro: Well, thank you for stepping forward and on that note, I will ask members if they have any questions for you regarding your appointment to the Board of Appeals. Members? Mr. Kagawa you have the floor.

Mr. Kagawa: Well, I just am glad to see that I knew you and we spent some evenings talking story. I am just kind of lost as to what the purpose of the Building Board of Appeals is. I assume it has to do with maybe when you do not agree with, I guess, the Building Division point of view. I do not know.

Is there anything that you plan to try and fix there or try and improve there on the Building Board of Appeals?

Mr. Prow: Well, I am just...well, as far as fixing, I am not sure about fixing. I am there to help. As far as I understand it, if a contractor or homeowner wants to do something different that is against or may not be standard with the Building Code, Fire Code, Electrical or Plumbing Code and they get rejected by the Building Division, then it comes to the Board of Appeals. Then we make sure that it is a safe practice and as far as from my engineering background, I hope that will help, as far as I did a lot of construction work. So, I am just there to help and hopefully serve the community.

Mr. Kagawa: Right on. *Mahalo*. My dad was a Civil Engineer too. I have high regard for Civil Engineers and with your experience both at Kodani's and with the County, I really think you add a lot to the Board. So, *mahalo* for serving and thank you.

Mr. Prow: Thank you.

Chair Furfaro: Other members? Councilmember Yukimura.

Ms. Yukimura: No questions really, just to thank you. It is good to see someone who wants to be involved in the governmental process. I think you will learn a lot and perhaps see places where we can improve. But just to be able to serve, because we need a Board that is there to take care of appeals. I do not think there are a lot of them. But when there are, we need a Board to expedite a response so the contractor or applicant can go forward or not. But just get a clearer answer. So, thank you very much.

Mr. Prow: Thank you.

Chair Furfaro: Vice Chair Nakamura.

Ms. Nakamura: Heath, thank you for putting your name forward. Is this the first time you are going to be serving on a Board for the County?

Mr. Prow: Yes.

Ms. Nakamura: That is great. I noticed that in the Charter that there has to be a member who is licensed or registered as an Engineer/Architect. So, you will fill that position and that opening on the Board which I think is really important. I just want to thank you very much for being open to this service to the community.

Mr. Prow: Thank you, Nadine.

Chair Furfaro: Other members? I have a question for you. How flexible are you for the meetings? I am not sure what demand is put on your special skills that you have gone to school for. But how flexible is your schedule?

Mr. Prow: I am pretty flexible. I can make it work with the meetings.

Chair Furfaro: You can make it work?

Mr. Prow: Yes.

Chair Furfaro: Okay, that is what I like to hear. I just want to say we will be voting on this later and our staff will make contact with you and Paula Morikami's Office. But I obviously will be supporting you. You fill a vacancy of a special skill that is very important to the Board of Appeals. Thank you very much for stepping forward.

Mr. Prow: You are welcome. Thank you.

Chair Furfaro: Any other questions? If not, thank you very much. Enjoy the rest of your day.

Mr. Prow: Alright, thank you.

Chair Furfaro: Thank you, Paula. Mr. Clerk, for the remainder of this Special Meeting it is my understanding that we will read this communication item 1(E), receive it, and then go right into the Bill.

RICKY WATANABE, County Clerk: Correct.

Chair Furfaro: Is that the correct procedure on this?

Mr. Watanabe: Correct.

Chair Furfaro: So, if you could read the communication for me, I would appreciate it.

COMMUNICATION:

C 2013-105 Communication (03/14/2013) from the County Engineer, transmitting for Council consideration a Bill for an Ordinance amending Ordinance No. B-2012-737, as amended, relating to the Capital Budget of the County of Kaua'i, State of Hawai'i, for the Fiscal Year July 1, 2012 through June 30, 2013, by revising the amounts estimated in the Bond Fund. (*Vertical Expansion of the Kekaha Landfill, \$298,531.00*): Mr. Rapozo moved to receive C 2013-105 for the record, seconded by Ms. Yukimura.

Chair Furfaro: Any discussion on this communication as read? If not, I am looking for a motion to receive this item.

Mr. Watanabe: We have a motion and a second.

Chair Furfaro: I am going to call for the vote.

The motion to receive C 2013-105 for the record, was then put, and unanimously carried.

Chair Furfaro: Thank you very much. Now that we have received that communication, let us go right into the first reading of this Bill.

BILL FOR FIRST READING:

Proposed Draft Bill (No. 2473) – AN ORDINANCE AMENDING ORDINANCE NO. B-2012-737, AS AMENDED, RELATING TO THE CAPITAL BUDGET OF THE COUNTY OF KAUAI, STATE OF HAWAII, FOR THE FISCAL YEAR JULY 1, 2012 THROUGH JUNE 30, 2013, BY REVISING THE AMOUNTS ESTIMATED IN THE BOND FUND (*Vertical Expansion of the Kekaha Landfill, \$298,531.00*): Mr. Kagawa moved for passage of Proposed Draft Bill No. 2473 on first reading, that it be ordered to print, that a public hearing thereon be scheduled for April 3, 2013 at 8:30 a.m., and that it thereafter be referred to the Finance & Economic Development (Tourism / Visitor Industry / Small Business Development / Sports & Recreation Development / Other Economic Development Areas) Committee, seconded by Ms. Yukimura.

Chair Furfaro: Thank you. Discussion members? I am going to suspend the rules for this time to see if there are any early questions. I know this is for first reading. But to see if there is an opportunity for the Administration to present anything to us as they have asked us to expedite this with the special scheduling. Mr. Dill the rules are suspended.

There being no objections, the rules were suspended.

LARRY DILL, P.E., County Engineer: Thank you and good morning Council Chair and members of Council. I want to start off by saying that we appreciate the opportunity at a special time this morning to move this forward on an expedited basis. I am going to run through this PowerPoint presentation. I believe you all have copies.

Chair Furfaro: Excuse me. If you are going to do that, let me do this. Let me sit in the audience and turn the meeting over to Vice Chair Nakamura.

Chair Furfaro, the presiding officer relinquished Chairmanship to Ms. Nakamura.

Mr. Dill: We were in the Kekaha community last week Monday evening and this is pretty much the identical presentation to what was presented to the community then. Kekaha Landfill Vertical Expansion. The Kekaha Landfill, our objective with the Landfill, it is an important component to provide Kaua'i with a safe and responsible means of managing our municipal solid waste, serves to protect the Kaua'i environment of our island, support the future sustainability, and as I mentioned we were out in Kekaha last Monday night to inform that community of our shift in our direction to secure additional capacity at the Landfill. Some background on the Kekaha Landfill. Phase I was built in 1953 and served until 1993. That is the original *makai* unlined phase of the Kekaha Landfill. Phase II opened in 1993 and the original portion of Phase II up to thirty-seven (37) feet, was in operation until 2001. A first vertical expansion up to sixty (60) feet was receiving waste up until 2006. The second vertical expansion up to eighty-five (85) feet served until 2010. Currently we are receiving waste in Cell I which is a lateral expansion of Phase II on the west side. That is projected to be at our current rate of disposal, current compaction rates we are getting at the Landfill,

we estimate that it will reach capacity, you see in the green there, in April of 2014. Our original plan, and you can find this in the Environmental Assessment that was completed in 2007, was Cell I which is again the area where we are currently receiving waste. We anticipate it will serve until 2013. The good news is that expansion now looks like it will serve us to 2014 due to efficiencies we are achieving waste diversion. We are achieving due to increase compaction rates, we are achieving at the Landfill. So, Cell I, again, whereas as we projected 2013 now it is April of 2014 we are looking at. The original plan showed lateral expansion of Cell II would happen after Cell I. Lateral expansion of Cell II and the map further in the presentation will clarify all of these things. But Cell II would be a lateral expansion on the *makai* side of Phase II. It would be in between Phase I and Phase II. That was projected at the time that we would get a little over three (3) years of additional airspace capacity. Then at the time it was projected that a lateral expansion Cell III would go next over Phase I, the unlined portion of the Landfill and that would gain approximate additional five (5) years of airspace capacity at the Landfill.

Here is a map going over the things that I just spoke about. So, just to run over it again quickly. You see Kaumuali'i Highway on the right, the ocean would be to your left on this sketch. The pink area on the left is Phase one I and again, that was closed in 1993. Phase II is the white area on the right and it reached capacity in July 2010. Above Phase II, the green area, is Cell I, that is on the west side of Phase II where we are currently receiving waste. This sketch shows that we originally anticipated this would reach capacity in April 2013. But, again, because of some statistics we are seeing in our waste diversion activities, and our compaction rates, we are projecting that now to April 2014. So, originally the next plan was the lateral expansion of Cell II which is the yellow strip in between Phase I and Phase II. To note here, you would see that basically merge Phase II and Phase I and that would become one (1) large landfill. At the time then after Cell II reached capacity, if necessary, we would have gone to Cell III which is the pink area on top of Phase I. So, that kind of gives you the chronology of the existing landfill and what was projected back in 2007 when that Environmental Assessment was done.

Currently we have been working on permitting of the lateral expansion of Cell II for over a year with the Department of Health and it is behind schedule. We anticipated that we would have our permits for Cell II in the third quarter or early fourth quarter of last year, last calendar year. The Department of Health (DOH) has brought up some things, recently, fairly late in the game that our consultant had been working on and had felt that they had satisfactory solutions to. But there is still not a level of comfort at the Department of Health with the issues that they are discussing. So, because Cell II has been extended in its timeline to get permitted, it has prompted us to have to reconsider our options. The reality is that Cell II of the lateral expansion would cost sometime...it would take some time to procure and to construct. It could not be done by April 2014 in the situation we are in today.

The new concerns...this is kind of a summary of our discussions with the Department of Health. We are still awaiting their response to our comments in writing to confirm. But based on the many discussions that we have been having with them and our consultant has been having with them, is that lateral expansion of Cell II, as I mentioned on the exhibit, it would remove the physical separation between the unlined portion of the landfill, Phase I, and the lined portion of the landfill, Phase II. Right now in that area we have groundwater monitoring wells to

make sure that we can detect anything that possibly might make it through the liner of Phase II. The groundwater in that area, as it typically does on the island, runs *mauka* to *makai*. So, we have groundwater monitoring wells, down gradient of Phase I and down gradient of Phase II. So, right now we are able to monitor separately for anything that might leach out of those landfills. Our concern would be that if we remove that monitoring between the two (2) phases, I will go back to the exhibit here, it is easier. The groundwater monitoring wells we have right now are in that yellow area where lateral expansion Cell II is. If we build Cell II there, of course we will lose those wells and because those two (2) landfill phases, one (1) is lined and one (1) is unlined, they fall under different criteria. The Department of Health is concerned that we would not be able to discern if a contaminant is detected *makai* of Phase I, which is where we have other groundwater monitoring wells, if that contaminant came from Phase I or Phase II and then what the appropriate response would be because those two (2) phases are subject to different criteria, different regulations, and different rules. Our consultant had come up with a plan for addressing that and they are still working on that with the Department of Health. So, that is one (1) of the concerns. The second concern is that a lateral expansion of Cell II would rely on the structural integrity of Phase I for support on the south base liner slope. We would be looking down...the concern could be potential differential sediment of Phase I and that would introduce the potential for structural failure of the lateral expansion of Cell II base liner. Back again to our exhibit. The lateral expansion of Cell II, or the yellow portion, would actually...it would be burying the existing old landfill. There is concern that the landfill then with that weight on it, excuse me, that has the possibility to disturb and possibly stir up some contaminants that right now are inert and not in motion. There is a concern that also that would possibly have a detrimental effect on the liner that we would build under Cell II if underneath it, Phase I, was moving because of the weight that was added to it. That is something that again, that our consultant felt they had a good solution to. But, again, still not a level of comfort there with the Department of Health. A couple of issues there. There are things that we take very seriously as well, that we wanted to make sure we address satisfactorily. So, current options: lateral expansion of Cell II, which would, we estimate would give us five (5) years capacity of airspace, continuing on that track though we know now that is not really a realistic option because of the timeframes involved to develop that lateral expansion. Another option that we have looked at in the past and we revisited recently was shipping of our waste stream or a portion of our waste stream to "H" Power on O'ahu. At the time we were talking about up to fifty thousand (50,000) tons a year which would be approximately two-thirds (2/3) of our waste stream which is about seventy-five thousand (75,000) tons a year. Then the third option is the vertical expansion from eighty-five (85) feet up to one hundred twenty (120) feet and this would also get us approximately five (5) years of additional airspace at the Kekaha Landfill.

Exploring each of these options. If you look at the lateral expansion of Cell II, it would provide five (5) years of additional capacity. We feel it is the second fastest option to implement in fourteen (14) to eighteen (18) months. The concerns that it would remove the physical separation as I discussed between the two (2) phases of the landfill. It relies on the structural integrity of Phase I for support on the south base liner slope and there are questions about the structural integrity of that slope. Right now we estimate that that construction work in order to get that ready, would be north of nine million five hundred thousand dollars (\$9,500,000). So, this is a very expensive effort. As we are still working on some of the issues with the Department of Health there may be more design modifications to address

the two (2) concerns I was talking about and those remain unscoped and uncoded at this time. I do not know where that would go. Yes?

Ms. Yukimura: Can I just ask.

Chair Furfaro: Ask Nadine to be recognized first.

Ms. Yukimura: Please?

Ms. Nakamura: Yes.

Ms. Yukimura: I just want to understand what you just said that the increased costs will be an additional nine million five hundred thousand dollars (\$9,500,000)?

Mr. Dill: No, I am sorry. We estimate now at approximately nine million five hundred thousand dollars (\$9,500,000) is our cost. There may be costs in addition to the nine million five hundred thousand dollars (\$9,500,000) depending on how these issues get worked out with the Department of Health. Those...and I do not know what that amount would be right now.

Ms. Yukimura: Why do you have plus two million dollars (\$2,000,000.00) per year?

Mr. Dill: That is our estimate at what the increased costs might be based on how the resolution of these issues with the Department of Health get worked out. That is an estimate.

Ms. Yukimura: But, "per year," what does that mean?

Ms. Nakamura: Mr. Fujimoto, why do you not join us up here. Have a seat. introduce yourself, and make sure your microphone is on.

DONALD FUJIMOTO, Environmental Services Officer: The intent of that was plus nine million five hundred thousand dollars (\$9,500,000) is it may be over nine million five hundred thousand dollars (\$9,500,000). The original estimate was nine million five hundred thousand dollars (\$9,500,000) and with the new issues brought up with DOH it will definitely be much more than nine million five hundred thousand dollars (\$9,500,000). So, what I did was I tried to just annualize the capital costs over the capacity of the landfill. So, it is about two million dollars (\$2,000,000) a year for five (5) years which comes out to about ten million dollars (\$10,000,000) for the whole project.

Ms. Yukimura: So basically the construction costs? We are not talking operational costs.

Mr. Fujimoto: Yes, strictly CIP.

Ms. Yukimura: The construction costs are going to be doubled.

Mr. Fujimoto: Right. That is what we are looking at right now is the option for airspace.

Ms. Yukimura: Thank you.

Mr. Dill: Thanks Donald.

Ms. Nakamura: Do you want to clarify that double? The construction cost is going to double?

Mr. Dill: Yes, the construction costs would not be doubled. Our current estimates are about nine million five hundred thousand dollars (\$9,500,000) a year and the two million dollars (\$2,000,000) a year is the indication if we get five (5) years of capacity out of nine million five hundred thousand dollars (\$9,500,000), we are looking at the cost per year to generate that capacity.

Ms. Nakamura: Councilmember Bynum.

Mr. Bynum: That is still not clear to me at all. The construction costs or the operating costs?

Mr. Dill: Construction costs.

Mr. Bynum: Ten million dollars (\$10,000,000) a year?

Mr. Dill: So, construction are close to ten million dollars (\$10,000,000) total and so we just say if we get five (5) years of airspace out of the ten million dollars (\$10,000,000), in order to compare the various options, it costs us about two million dollars (\$2,000,000) for a year worth of capacity.

Mr. Bynum: I am sorry, two million dollars (\$2,000,000) a year to...

Mr. Dill: Two million dollars (\$2,000,000) for one (1) year of capacity because it is costing is ten million dollars (\$10,000,000) to do the construction and we are getting about five (5) years of airspace. So, we are just going to be comparing the three (3) options of how much it costs to get a year of airspace.

Ms. Nakamura: Why do we not have one (1) more question then...excuse me. Do you have another clarification?

Mr. Bynum: Yes, please.

Ms. Nakamura: Sure.

Mr. Bynum: Nine million five hundred thousand dollars (\$9,500,000) was the initial cost estimate. But now you have new engineering issues, that is why we are changing. What will it cost to address these new engineering issues?

Mr. Dill: Since those have not been resolved yet, we do not have a cost for those.

Mr. Bynum: So, it is not up here at all?

Mr. Dill: Correct, that is the last bullet, "undetermined" at this time.

Mr. Fujimoto: And that is why it is plus nine million five hundred thousand dollars (\$9,500,000). It is over nine million five hundred thousand dollars (\$9,500,000), it will be over.

Mr. Dill: I apologize for the confusion. But...

Mr. Bynum: Are you confident that these issues will be resolved and we will be able to do the expansion at all?

Mr. Dill: Well, this is the lateral expansion. I am confident they will be resolved, but not in time for us to get lateral expansion of Cell II constructed by April of 2014.

Mr. Bynum: Thank you.

Ms. Nakamura: I would like to ask members if we could go through the presentation and then go back for questions. But if you have clarification issues, that is fine along the way. Chair, did you have something?

Chair Furfaro: No, I just wanted to sit here now. Go ahead, continue.

Mr. Dill: Next option, the "H" Power option. "H" Power is obviously the waste energy facility on O'ahu. City and County of Honolulu uses it to take care of their waste stream. There is an opportunity there to divert up to fifty thousand (50,000) tons of our municipal solid waste per year or about two-thirds of our present needs. It would take the longest to implement. We estimate about two (2) years because it would be a very burdensome permitting process in order to achieve approvals to get our waste shipped to Honolulu. Department of Health...this would be a first for them and so we would have to go through quite a strict permit process. It would not address all of our near term needs because we are looking at two-thirds (2/3) of our waste stream. It also would be the highest cost option at about one hundred thirty-five (\$135) a ton or six million seven hundred fifty thousand dollars (\$6,750,000) a year to ship our waste to Honolulu. Also a concern is it highly dependent upon external factors like Young Brothers for shipping and "H" Power operations. So, obviously not a desirable option, but one that was out there. We just wanted to make sure we addressed it before we set it aside. Finally the vertical expansion option. Like the lateral expansion of Cell II it provides about five (5) years of additional airspace. It would be the fastest option to implement. We have been in discussions with the Department of Health about this option for some time. It is an option that they are the most comfortable with because it deals with expanding over Phase II which is permitted under the new regulations with a full liner and so they are the most comfortable with permitting this option. There would be basically no time required for construction because we would merely continue to fill upon the existing phase of the landfill and it would be the most cost effective option at approximately three hundred thousand dollars (\$300,000) which is basically the permitting cost. This is sixty thousand dollars (\$60,000) a year which we would compare to the two million dollars (\$2,000,000) for the lateral versus the six million seven hundred fifty thousand dollars (\$6,750,000) a year for the "H" Power option. Doing a vertical expansion would provide us some time to better develop lateral expansion of Cell II.

So, as was questioned earlier about are we confident we would be able to get these issue addressed? We believe so. But it is going to take some more time for our consultant and the Department of Health, working with us, to develop solutions so that everybody is comfortable with the expansion can happen and so that it appropriately to protect the environment.

Visual impacts. The vertical expansion is an expansion from eighty-five (85) feet up to one hundred twenty (120) feet. So, it does have a visual impact and so that is something that we have proposals to address with landscape mitigation to soften. We discussed that last Monday night in the community about those concerns. I was surprised that a lot of folks were not that concerned about the visible impacts. But we would definitely work with the community to make sure that we address those concerns they have as best we could. As I mentioned, it is the State Department of Health's preferred option. They are the most comfortable with this option. Of course in conjunction with our Solid Waste Management Program we are always looking at and need to continue to maximize our waste diversion opportunities. Some of our new Ordinances that will you see coming this year will be Construction and Demolition Ordinance, a Commercial Recycling Ordinance, and between the two of those we believe we can divert twenty percent (20%) of our existing waste stream. Basically that would mean that on a five (5) year expansion we could gain an additional one (1) year of capacity at this expansion and the Pay-As-You-Throw Ordinance. We have had presentations here at Council before. We want to implement the first phase of that and Curbside Recycling Program which goes in hand with the Materials Recycling Facility (MRF). We are working on developing those two (2) items as well. Finally our action plan is out of those options is to develop the Kekaha Landfill vertical expansion up to one hundred twenty (120) feet. We believe it is the most environmentally friendly option as well as the most cost effective option for the County to pursue. Here is our estimated timelines that we are looking at. In March of this year we went out to the community to inform the host community of the shift in direction. We are here today to begin the process of requesting your approval to fund this effort and we hope to complete that in April, next month. We would then immediately go into the Environmental Assessment and Design Phase and by March of next year, plan to secure the necessary Department of Health permits for operation. That concludes the presentation and I will be happy to take any questions you may have.

Ms. Nakamura returned Chairmanship to Chair Furfaro.

Chair Furfaro: Thank you, Larry. I will let some other members raise some questions first. I do want to remind them that this is the first reading, that this will end up going into Committee for more detailed discussion, and then for a second reading. Councilmember Yukimura, you have the floor.

Ms. Yukimura: Thank you. So, what is the total cost of this option? The option that the Department of Health is approving, the vertical expansion?

Mr. Dill: Approximately three hundred thousand dollars (\$300,000). That is the Money Bill...is two hundred ninety-eight thousand dollars (\$298,000) and change. I am sorry I forget the exact amount.

Ms. Yukimura: So, that is the total cost?

Mr. Dill: Correct.

Ms. Yukimura: It is a good thing that the Cell I is going to last until 2014 because we are in 2014 and if we had been held to the original timeline that we would need a new capacity right now, we would not have it. So, why is it not...and you say that is because of better compaction and diversion, right?

Mr. Dill: Correct.

Ms. Yukimura: Why is not one (1) of the options emergency waste diversion?

Mr. Dill: We are proceeding with waste diversion opportunities right now.

Ms. Yukimura: I know that. But it is at such a snail's pace. What if you were to say this is a major emergency? How would we accelerate our diversion efforts? Have you asked that question and developed a plan for that?

Mr. Dill: We have not done an Emergency Waste Diversion Plan, no.

Ms. Yukimura: Is that something that you could do?

Mr. Dill: I suppose we could do that. I will talk to...discuss that in our Administration about an Emergency Waste Diversion Plan.

Ms. Yukimura: I would like to at least see it thought through and see how much that would cost because even if you...I mean the thing is that it will be moving you towards a goal that we already have. It is not like you are doing something extra and it could extend the life of the landfill and even if we go with vertical expansion, if you get more than five (5) years, the cost of the expansion will be decreased per year and we do not even know if we are going to make it with the new landfill in five (5) years.

Chair Furfaro: For the purpose of this discussion, would you be prepared to discuss those points that the Councilmember is raising in the Committee Workshop?

Mr. Dill: If you are asking me if we will have an Emergency Waste Diversion Plan scoped and costed, we will not have that.

Chair Furfaro: No, Larry. I am asking you, are you going to be prepared to at least discuss the possibility?

Mr. Dill: We can discuss it, yes.

Ms. Yukimura: Thank you, Chair. I just...I have been suggesting this for at least five (5) years that there be an Emergency Diversion Plan. If we had done something five (5) years ago, to think it through, we might be a lot further ahead. Not to mention that we did not even follow our Solid Waste Management Plan by beginning the planning for a MRF immediately after approval of the plan. So, we have delayed our regular diversion plan and we are all lacking the options we need right now. So, it would be...I think it would be at minimum a useful exercise to think of an Emergency Diversion Plan and you have this extreme of an Emergency Diversion Plan. I mean really thinking we are in a really tight

spot, how would we do it if we had to pull out all stops and really put in place faster a faster a diversion program? But you also have the intermediate idea of just accelerating our diversion plan. So, I would really appreciate it if you could look at that. Thank you.

Chair Furfaro:

Mr. Kagawa, then Mr. Bynum.

Mr. Kagawa: Thank you. First of all, I am not happy with the plans to go with the vertical expansion. I was not happy to go with the plans to go laterally either. Being from the west side, I just thought that it was time that we give a break to the west side people and found some other options. But I have been waiting for quite a while and it looks like I am even going to be waiting for more than that. The plan is right now, we are going to get five (5) years with the vertical expansion and then you are going to proceed with the permits for the lateral expansion as well at the same time?

Mr. Dill: That is correct. If I may add one thing? This will not extend the life of Kekaha Landfill, the time we will be out there because we are still going to proceed with Ma'alo as fast as we can and as soon as that is open then we can move to Ma'alo. So, this does not mean we will be receiving waste longer or shorter at Kekaha. Just the way the expansion is done has changed, that is all.

Mr. Kagawa: Well, but I mean, the vertical will give us five (5) years. The lateral will give us how many more years?

Mr. Dill: Another five (5), approximately.

Mr. Kagawa: Another five (5). So, we are just getting something cushion for maybe ten (10) years to get Ma'alo ready.

Mr. Dill: Correct.

Mr. Kagawa: I agree partly that we need the cushion because we do not want to be in the bind that we have nowhere to put the *rubbish* and our only option is to ship to "H" Power at a ridiculous price. I think there is not much that we can do. It is just that feeling of unhappiness with the whole situation. I know waste is a tough problem. Like Councilmember Yukimura, I think, diversion is the best way. I do not know if you have looked at other Counties. I have been to Seattle and I do not know, I think they have a pretty good program. You see a lot of recycling at the curb with different colored cans and I do not know if you were planning to step up and do even more than what we are doing. I think we are doing a pretty good job now. I think a lot more people are recycling than ever before. But I think we need to step it up even more. So, I do not know if we...are we looking at stepping up our game in the recycling area?

Mr. Dill: Yes, we are. As I mentioned on one of the last slides, we are working on moving towards a MRF and curbside recycling. We have not completed, on the entire island, automated collection yet. So, you will see we want to complete automated collection, which we need to do first before we can implement island wide curbside recycling. But we are pushing to get that done so we can move in that direction.

Mr. Kagawa: Thank you. I guess the last question. Have you integrated with Parks, as far as the Parks Maintenance Crews? I see these recycling bins next to the trash cans at the parks and I see a lot of...I think there are people that go around and I guess it is okay...we do not look to press charges. But there are people that go around and collect cans and what they do is they take out the good stuff and leave in the trash in there. It looks like...I do not know if Parks is watching that, as well as taking out the trash. But I think that it should be their job to cooperate and try and keep it clean because if you leave trash in that recycling bin, people are going to throw trash in there. It is just going to...I think we have to look organized and look like we are serious about it. When you see trash in the recycling can, it shows a lack of, I guess a lackadaisical attitude and I do not know if you have worked with the Parks people?

Mr. Dill: We have had discussions with Parks and we have not reached a conclusion yet. But we have discussed this with them in regards to that very issue on how to get some help to tidy up that area to make it look better and operate better at the same time. It is ongoing.

Mr. Kagawa: For me, I get really irritated. But when I see recyclables that can be thrown in the recycle bins I stick my hand in that trash can and I actually put it in there. But it is just because I know the kind of problems that we are facing. I know that it is five cents (\$0.05). We would not leave five cents (\$0.05) on the ground. We need to keep stepping up our game and we need to do more as we see the kind of problems that we are facing in the future. We have a speaker that is going to step up later and I always talk to Bonnie about recycling. She even thinks more about recycling than me and it will be interesting to hear what she has to say later. Thank you.

Chair Furfaro: Mr. Bynum.

Mr. Bynum: I will be just quick. This will go to Committee, I will ask lots of questions then. But one thing that stood out to me, I am glad to see that you are going to bring a Construction/Demolition Ordinance here. But I do not know how you implement Pay-As-You-Throw any further until we have curbside recycling and green waste which is a ways off. But maybe you could share more about that next time. We are going to...what I am looking forward to and last time we have landfill issues, is I am assuming after budget we are going to have a posting that we go through the Integrated Solid Waste Management Program step by step and do an analysis of where we are, what our projected plans were when we adopted the plan, where we are now, and how we are going to get there? It is complex with integrated things. I think it is time to do an overview maybe in late May or June. I hope that our Environmental Services Committee will facilitate that. Thank you.

Chair Furfaro: Before I recognize Mr. Hooser, I want to say something here. For all of the items that are in your projected plan for revenues, the Administration needs to submit their plan for what the Ordinance will look like. Okay? You cannot increase fees without these Ordinances. I am telling you at this point, I am assuming those are being submitted as part of your plan in a draft form. Secondly, it was not clear to me that you are acknowledging Mr. Bynum's request that in late May or early June we are requesting a review of the Solid Waste Plan, an update. Are you acknowledging that?

Mr. Dill: If Councilmember Bynum wants to schedule that, we will do that, yes.

Chair Furfaro: So, that request for a post will come over when you are ready from the Administration. Okay, thank you. Mr. Hooser.

Mr. Hooser: Good morning. I just want to make sure I am clear on the situation because it feels like a crisis situation with the special...trying to accelerate this. It also feels, from a Councilmember's perspective, that there is not choice, that there is this crisis so we have to approve this otherwise it will cost us millions of dollars more. Clearly none of us like being in that situation. I know you do not like being in that situation and not to beat up the history of the whole thing, but why are we in this situation? Why can we not get ahead of the curve? Why could we have not a year ago or six (6) months ago, looked down and said it is not going to happen, the lateral, so why are we in this situation? Is it understaffing, is it that the Department of Health just blew it, or why are we here?

Mr. Dill: Well, I guess I would say that we are here because the permitting for Cell II did not happen according to the schedule that we had anticipated, that was provided to us. As I mentioned, we anticipated that Cell II would be permitted last Fall and that would have given us enough time to construct Cell II prior to Cell I reaching capacity.

Mr. Hooser: Just a second, so we are here because the schedule that the County put forward was insufficient or we did not have staff to support it or it was an overoptimistic schedule? It just...

Mr. Dill: What was unanticipated was our consultant had met with the Department of Health to go over these very concerns and had understood that a preliminary agreement had been reached that showed the solutions and a schedule for moving forward with Cell I. It turns out that those anticipated goals were not realistic because there was not a level of comfort after all with the Department of Health that was thought to be had.

Mr. Hooser: And the consultant is who?

Mr. Dill: AECOM.

Mr. Hooser: Are they here today?

Mr. Dill: No.

Mr. Hooser: Will they be at the workshop?

Mr. Rapozo: Yes.

Mr. Hooser: And if I could get...I know everybody is busy and so I do not want to just give you more work to do. But at the same time, I want to understand. If there could be a timeline for when we asked for the lateral expansion, and when that process first started so I can look at and get an understanding of what the steps were and where the roadblocks are kind of thing? But it is just really frustrating and it extends to many other items, you know, that we need to get ahead of the curve. We need to look down so we are not here having

to vote in a crisis situation and make decisions like this. I appreciate it and we will talk more about it in future. Thank you. Thank you. Chair.

Chair Furfaro: Larry, you did hear a confirmation across the table, even though it was a little bit out of order by Mr. Rapozo.

Mr. Rapozo: Sorry.

Chair Furfaro: We are expecting our consultant to be available when this goes to Committee because one of the things that is very concerning for me is the fact of the matter as Mr. Hooser brought up, we all thought in the Fall that everything was "honky dory," everything was fine. Then let me ask you the follow-up because I did not hear it. When did our consultants actually hear from the Department of Health? How long ago was that? That this projected process for the appropriate approvals was moving along and all of a sudden...when did we get to this red flag? Was that twenty-one (21) days ago? When did we hear from the Department of Health and I would expect you folks to investigate from September until March why was our consultant under the impression that everything was moving according to the planned agenda? When did we hear from the Department of Health?

Mr. Dill: Our consultant has been in continuous communication with them through the whole period of time.

Chair Furfaro: Let me say this, when did we hear from our consultant that the Department of Health advised them that this strategy was not going to work?

Mr. Dill: I do not think they have advised them that the strategy is not going to work nor have they approved it yet. We have come to the conclusion, because of the timeframes involved in getting Cell II open, we need to look at other options. So, we are going to continue to work on these strategies with the Department of Health. But it is not going to be done in time for us to get Cell II open in time.

Chair Furfaro: So, we do not have a letter in hand from the Department of Health that says we are sorry, as provided by your consultant, we are not going to be able to support your plan in moving forward with the lateral expansion?

Mr. Dill: Correct.

Chair Furfaro: We do not have a letter?

Mr. Dill: We do not have that letter.

Chair Furfaro: Okay. So, let us make sure that our consultant is prepared in the workshop to answer some of the questions that were just raised by my colleagues around the table.

Mr. Dill: So I am clear, are you asking him to be present when we go to Committee?

Chair Furfaro: In Committee.

Mr. Dill:

Okay.

Chair Furfaro:

Mr. Rapozo.

Mr. Rapozo: Thank you, Mr. Chair and I apologize for responding to Mr. Hooser's question. I just did not hear anybody attempting to answer. So, definitely we will require the presence of AECOM. Then also, Larry, we talked about this a short while ago and I do not want you to take any of my comments personally. But I will say that I share the frustration, I think of many of the Councilmembers sitting here today. I think more so for the members that were here back in 2002, 2004, 2006 because this issue keeps coming back to bite us in the butt. You know, I can vividly remember Mr. Furfaro saying at the last vertical expansion discussion, I know JoAnn was here, I was here, and I think that was it, saying there will be no more vertical expansions for Kekaha. I remember that. I was not about to have Staff pull the minutes because I think Mr. Furfaro would acknowledge that. I remember it as if it were yesterday. The first question is do you folks consider this an emergency, this whole situation, a crisis/emergency?

Mr. Dill:

Yes.

Mr. Rapozo: Okay. That is a good answer because it is and we have said this for years now. I hate to say I told you so. But that is what it boils down to. This Council has had these concerns for a while. I am pretty disappointed with our consultant at this moment. I am actually shaking right now, which is not normal. But that is just the frustration. Mr. Kagawa talked about putting this burden on Kekaha again and you said that it is not going to extend the life of the landfill any longer. That is true, but what it is giving Kekaha is a one hundred twenty (120) foot mountain of trash. The fishermen used to plan their trips or come back into the harbor utilizing land marks on the mountain. They cannot do it anymore because now we have Mount 'Ōpala blocking the mountain. We talked about that some time ago. Why are we here? We are here... "we" meaning all of us collectively, failed to understand the restrictions of the unlined phase, Phase I. Our consultant, I do not know... I thought they were experts. But when they looked at this plan, someone in that consulting firm should have said, "Hey, we are going run into problems because Phase I is unlined." But they never did. They said, "Let us just expand up the unlined..." I think this Council brought up questions. How can we do that? How can we bring more trash and have it adjacent to an unlined phase? I think we brought that up. But no, the consultant said it was okay and now we are told by the Department of Health that we have some problems. I do not think it takes really any intelligent engineer to figure that one (1) out. I think we should have seen that coming. I do not know where the consultant was and that is why I yelled out, Mr. Hooser, "yes" because these questions cannot be answered by Mr. Dill or Mr. Fujimoto. It has to be done by these guys who claim to be experts, who has done so many of these plans that now I am beginning to question, and question that firm. The Council had these concerns years ago. The other big concern I have in the options, Larry we talked about this one as well. You list one hundred thirty-five thousand dollars (\$135,000) a ton. But what does that get us, one hundred thirty-five thousand dollars (\$135,000) a ton? That is just the processing.

Mr. Fujimoto:

"H" Power.

Mr. Rapozo:

Right.

Mr. Fujimoto: That was an old estimate.

Mr. Rapozo: Exactly.

Mr. Fujimoto: That price has definitely changed.

Mr. Rapozo: That is what concerns me when we are showing this up here. Let me tell you why, when I had this discussion, I had it with Larry. But the last time I had the discussion with, actually it was Mufi Hannemann was the Mayor of Honolulu at that time. When he was all excited that he might be able to help us with our trash problems. When I asked him what it is going to cost? He said two hundred dollars (\$200) a ton which is ten million dollars (\$10,000,00) a year. So, my concern is when the public sees this and they see one hundred thirty-five dollars (\$135) a ton, it is not that. It is substantially more than that and my discussion, obviously with Mufi, was a while back. So, I do not even know what it is now. Then that process, and I have said this so many times and we see it on these PowerPoint, the process to get Department of Health approvals to ship trash is intense. No one has ever done it yet. But I can tell you years ago when I spoke with the Department of Health they told us, they told me you have a better chance of setting up an emergency temporary landfill than doing shipping because of all the requirements to ship trash. So, I do not think that is an option. I really do not, not now. I mean by the time we get that process completed it is just not an option. One thing I do not see on here is shredding. Why are we not exploring shredding and actually just because I am a visible person. I know Nadine would say, "Wow Mel, why are you bringing all of that?"

Ms. Nakamura: I was ready to eat that?

Mr. Rapozo: Yes. You can. This is the landfill, right? You fill it up with what we drop of now, the bulky stuff. But if we shred it, if we shred it, and shred it, and shred it, which the technologies that are out there, you see what I am trying to say? We are going to extend the life of the landfill by shredding and look at that. Beautiful. You can actually...that is not even an option. We had the discussion here on the floor a while ago and we were told that it is too expensive. But when you look at our options of ten million dollars (\$10,000,000) to ship, two million dollars (\$2,000,000) a year for five (5) years, shredding as I was told right here, was about one million dollars (\$1,000,000) a year and they can handle two hundred (200) tons a day. What that would give us is an extended life of the existing cell because they could shred what has already been buried and we could gain more time. We would not have to spend all of this money. We would not be doing the vertical expansion. I think we allocated nine million dollars (\$9,000,000) in the vertical. We could move the money and try to get shredding. This is just a very coarse example. Shredding, obviously, would basically buy us time. But that is not even an option in this presentation. I think that bothers me because like Mr. Hooser said, our back is against the wall. It has been against the wall for a long time. I think the Council has always made it clear we are in a crisis mode and look at today, where do we go? We have to look at...diversion is one way, obviously diversion is one way. I think we are going to have to start looking at some emergency measures. But that might mean not taking certain types of trash at the landfill. Well, where is that trash going to go? I tell you where it is going to go. It is going to go to the back roads and it is going to go on the streets. I think that shredding would be a viable option at this point. I believe we do have the funds. But I am just not understanding why we have not explored that option. Mr. Chair, I know we talked about a workshop in Public

Works, I mean in my Committee, in Environmental Services. This Money Bill, I have noticed is being referred to the Finance Committee. I do not understand why. This is not a finance issue. The money is there. It is an Environmental Services issue. I would ask that this be sent to the Environmental Services Committee. But either way we will have the discussion. Nonetheless I think the workshop is something that we would and we can discuss later for the posts. But the workshop has to include all options. The workshop has to include AECOM because I have very strong questions for AECOM and understand that the Administration really is relying on AECOM. This is in no way shape or form a criticism of you, Larry, or Donald. This is...we rely on the consultants that we pay. I think they fell short in this situation. They should have seen the issues when they looked at the overall plan and they failed to. We relied on the information from them, we as a Council, through you saying that this lateral expansion was okay. So, now I think we have some issues. Mr. Chair, I guess I would ask that this matter be referred to the Environmental Services Committee and if not then definitely set up a workshop.

Chair Furfaro: To answer your question, I think it would be best that we have a workshop in the Environmental Services Committee scheduling it at the same time with the Money Bill. But per our Charter, all Money Bills need to go through the Finance Committee and it is in our Rules as well. But I would like to do it timely, Mr. Rapozo, in that we do both on the same day.

Mr. Rapozo: Thank you.

Chair Furfaro: Okay. I have Vice Chair Nakamura first. Vice Chair, you have the floor.

Ms. Nakamura: Thank you very much for this update which is, I think, shedding more light on what is going on. I would agree with Councilmember Hooser that it would be good to understand the sequence of events that has led us to this point in time and really, when did we...I also want to know in that timeline, when did we get the so called preliminary agreement or understanding that our consultants had, that the lateral expansion could proceed because I am worried that the issues raised by the...and when did we find out? When did we first hear from the State Department of Health that these were their two (2) major issues because I am really concerned about the resolution of those issues and the costs that it will take to address these issues and really the feasibility of the whole lateral expansion. That is my concern because of the timing, because it will take one (1) year to get the Environmental Assessment piece in place for a vertical expansion, we are looking at the end of April of 2014. Then if we have five (5) years at that point, that takes us to April of 2019. The plan is, best case scenario, is that Ma'alo is available in 2020, seven (7) years from now.

Mr. Dill: I think even that is optimistic.

Ms. Nakamura: That is optimistic?

Mr. Dill: Yes.

Ms. Nakamura: Okay. Well, that was the latest update that we received that that was our target date. So, that does not...that means that given this approach presented today, that no matter what, we need to do both the vertical and the lateral. So, that means that we are looking at the cost of the new landfill and Resource Recovery Park, plus the nine million dollars (\$9,000,000) expansion

and I guess the question being raised is, is there any strategy that we can undertake now and commit to, to not have to expend the nine million dollars (\$9,000,000)? I think that is my question. If there is...whether it is diversion or shredding that might prevent us from having to go that route or...and really is it feasible to do the lateral? I think that is the bottom line for me because that is going to determine everything. So, we need to understand the impact of that concern, the depth of that concern raised by the DOH. I also wanted to ask a cost about the three hundred thousand dollars (\$300,000). Is that the question of doing the Environmental Assessment?

Mr. Dill: Yes.

Ms. Nakamura: Does that include anything else?

Mr. Dill: The permitting with the Department of Health.

Ms. Nakamura: Permitting?

Mr. Dill: Yes.

Ms. Nakamura: Does that include any mitigation costs?

Mr. Dill: What sort of mitigation?

Ms. Nakamura: For example, you had mentioned landscaping?

Mr. Dill: No, it does not. We have already appropriated funds elsewhere. The Council has appropriated funds towards landscape mitigation and visual mitigation.

Ms. Nakamura: That does not include potential future community benefits that the community may be asking for with the vertical expansion?

Mr. Dill: No, that is not addressed with this Bill.

Ms. Nakamura: Right, okay. But we would anticipate to have...

Mr. Dill: That came up in the Kekaha meeting last Monday night, yes.

Ms. Nakamura: Okay. Was there any...can you describe what the comments were regarding that?

Mr. Dill: It was very brief. It was only brought up by one (1) of the members of the community that they thought it might be appropriate to consider additional Host Community Benefits because we are doing a vertical expansion now. But it has not gone beyond that yet.

Ms. Nakamura: Okay. I think that answers my questions. Thank you.

Chair Furfaro: For the members that still have questions, I want to remind us that we want to start our regular Council day at 10:00 a.m. Then I have a few special considerations about scheduling as the Chair, that I want to share with the members. I going to go to Mr. Bynum and then Councilmember Yukimura.

Mr. Bynum: I am fine for now. I am going to support this Bill, obviously, because we need to move forward. All I am asking...my two cents was that we do this more in depth analysis of the whole Solid Waste Program after budget. I do not feel a sense of urgency because your behavior is not going to change between now and then. Regardless of what we say, you are going to move ahead with the many projects you have going, right? So, I will trust the leadership here when we do that. But I think we are all going to be pretty busy until we send a budget back to the Mayor. Thank you.

Chair Furfaro: I just want to reiterate what he just said if that he is going to trust the leadership to do that. I want to get clear, you folks have promised me you are going to send over a request in either late May or early June to the Council for the purpose of this informational type workshop. Do I have a confirmation?

Mr. Dill: I thought I was going to receive a request from Council. But we will do that, yes.

Chair Furfaro: That is why I am saying it again. I want no confusion. I am giving you an opportunity here to be prepared in a timetable towards the last six (6) weeks of this year so that you can prepare for it. But the timing, I want you folks to pull the trigger on when you are going to be able to enter into that discussion.

Mr. Dill: We will do that.

Chair Furfaro: You will do that. Thank you. Councilmember Yukimura, you have the floor.

Ms. Yukimura: Thank you. First I want to say Larry, that you came in pretty late to this issue and I am actually sorry that you have to deal with all of this now and are sort of being put on the spot and it is probably important to look back and see where the wrong turns were made. That being said, is there no way in the existing budget that the nine million five hundred thousand dollars (\$9,500,000) is already appropriated, part of the nine million five hundred thousand dollars (\$9,500,000)?

Mr. Dill: I believe it is, yes.

Ms. Yukimura: Where is that?

Mr. Dill: I am not prepared to...

Chair Furfaro: I can answer that. There was a transfer made of eight million dollars (\$8,000,000) that was credited to the landfill from other projects. But it does not cover the entire...you will find that this year's transfer of funds in CIP, JoAnn. But it does not cover the whole nine million dollars (\$9,000,000), what was it, nine million five hundred thousand dollars (\$9,500,000)?

Ms. Yukimura:
(\$9,500,000).

Nine million five hundred thousand dollars

Chair Furfaro:

Yes.

Ms. Yukimura: So, I mean, I...what if this idea...well, first of all of this whole discussion is because we do not have a seventy-five percent (75%) diversion program in place. If we did, the existing landfill would last another five (5) years, maybe. I mean, you know, instead of spending nine million five hundred thousand dollars (\$9,500,000) on the lateral expansion, put it into diversion. Accelerate the automatic pickup. Put two million dollars (\$2,000,000) in there or whatever it takes even for bodies that you need and start the diversion because then maybe...I support the three hundred thousand dollars (\$300,000) at this point. I think it is the better approach and plan that in five (5) years that we will turn that into ten (10) years because we will spend a small portion of that nine million five hundred thousand dollars (\$9,500,000) an Emergency Diversion Program. Councilmember Rapozo makes a good point about shredding. The thing about putting money into shredding is that it does not move us into the system that we need to change and so if you put money into Diversion Programs, you are putting it into a pathway that goes to where we want to go in the future while at the same time extending the life of the landfill. I do not know to what extent shredding is like compacting because pushing down is partly compacting too. But I think shredding is a good point for really odd shaped things if the cost is really great then it is better to put...we have to look in terms of, we do not have money for everything. So, we have to use the money where it is going to benefit us the most. The biggest leverage. The biggest return on investment and I really think if you begin to look at the emergency...I mean nine million five hundred thousand dollars (\$9,500,000) all it does is keep us in a landfill mode and we have to build a new landfill. Why put it in an old landfill? So, why not put it in diversion that is going to give us a longer life on the existing landfill and also a longer life on our new landfill when we open it? It is just the better way to do it. So, I really hope...and all of these requests for information, I rather you spend it on really looking at a workable Emergency Diversion Plan. Do check out the shredding option. That is where, to me, where the energy should be right now and that is the problem also when you do this really "scatter gun" approach to this problem solving because your time, where you spend your time is so critical. Lastly, I want to say that...I was, I think, the first one to show real dissatisfaction with AECOM. But I am sorry, I hold the County responsible for the consultant. Who you choose, how you scope their work, and how you manage their contract. So, if they are not doing a good job, it is because of how we have secured them and managed them and that is a County responsibility.

Chair Furfaro:
squeeze it.

JoAnn, we passed the bus to you so you can

Ms. Yukimura:

I need that.

Chair Furfaro: Larry, I squeezed the duck that I have and I took its head off. I want you to understand that we are very concerned, very concerned. Mr. Rapozo and then Mr. Bynum.

Mr. Rapozo:

Give me back that bus.

Chair Furfaro:

This is his.

Mr. Rapozo: First of all in response to Mr. Bynum's comment about the post budget briefing. I, Mr. Chair, would like it pre-budget because I think as we move forward in the decisions that we make, I think it does involve some budgetary matters, such as the Host Community Benefit amount. I mean, if we are going to go up on Kekaha then I believe that community rightfully should get an increase in the Host Community Benefit because we are now again, burdening them, not so much just with the trash. But as I stated earlier, the height, one hundred twenty (120) feet is very high. So, I am hoping that we can get the briefing before the budget because I know that number..anyway I will be proposing an increase in the Host Community Benefit utilizing some of those funds that will not be used for the lateral. Then to Councilmember Yukimura's comment about the shredding, she is right. I mean, I think shredding is not the answer, the long term answer because it is not going to change behavior. It is just going to address the crisis that we are in. It is extending the existing life of that landfill. It is going to give us more airspace. It is like gastric bypass surgery. You know, that is not the answer. Yes, it fixes the problem initially. But it requires a lifestyle change after that. I mean, if you do not change your lifestyle, you are going to gain weight. So, I look at it as right now we are in a crisis. I mean, I have been saying it is a crisis for years and no one has really listened. It is like we will work on it, we will work on it, we will work on it, and now we are in a crisis mode. We have to reduce the...I mean increase the airspace and the only way that I know right now...we are not going to change behavior overnight, JoAnn, you know that. We can give people ten cents (\$0.10) a can. It is going to take time...see you heard her, we should do that. It takes time for people to change behavior. Right now you have to stop the bleeding and how do you stop the bleeding right now? Obviously, you have to increase airspace. You have to shred so that we have more space, more time for the existing landfill. So, I believe that is the viable option. I think that is the only viable option right now at this crisis point. So, we will discuss that more in detail at the workshop, Mr. Chair. But I just wanted to make sure...I am hoping we can get this scheduled. I am looking at April 3rd as the Money Bill Committee Meeting, as well as the landfill update meeting. Thank you.

Chair Furfaro:

Mr. Bynum, did you want the floor again?

Mr. Bynum: It is AECOM, right? Were they also the consultant for the Mayor's Citizens Advisory Task Force? Who was that?

Mr. Dill:

R.M. Towill.

Mr. Bynum: R.M. Towill. But R.M. Towill is still involved with Solid Waste. What is their role?

Mr. Dill: R.M. Towill is a sub to AECOM on the Ma'alo Landfill. They are doing the Environmental Impact Statement.

Mr. Bynum: Well, I sat through the Mayor's Advisory Meetings. I was not on the Task Force and the rules were I could not speak. They liked that. But I sat in on most of those meetings and the advisors, the citizens worked diligently and did their jobs and that consultant failed us the worst I have ever seen since I have been in the County. I mean, it was...they made that whole process worthless and embarrassing. The contrast was so distinct because generally the consultants that we hire are so on it. I mean in my experience, over the last eight (8) years. But they totally failed in their assessment after the citizens had done a great job. So, when I see those individuals who, I mean, they sat here

before this Council and could not speak because they had no decent answers to the questions. I just want to share that concern that...

Chair Furfaro:

And on that concern...

Mr. Bynum: That particular consultant, I have no faith in them coming through the door if they went through that entire huge contract and failed so miserably. It leaves a distaste in your mouth. Thank you.

Chair Furfaro: I let you go there, but that is not the agenda item for today. But I let you finish. Members, are there any more comments on this Bill, first reading, before I take the floor to summarize things and take public testimony? Mr. Kagawa.

Mr. Kagawa: Real quickly. I will concur with Councilmember Rapozo. We have had an enormous amount of savings due to...going with this route. But it is at a costly expense. A mountain of trash that was already a huge eyesore and you wonder why people from the west side did not show up at the last meeting in Kekaha, and be really vocal is that they are tired. They are tired of complaining about it. Even if they complain, we just keep expanding it wider, higher, and I really think the savings of that project should go back to the community. I am not saying only Kekaha because everybody is affected on the west side from Hanapēpē to Waimea and I will be asking...

Chair Furfaro: Mr. Kagawa, I have to remind you that you are straying from the subject matter.

Mr. Kagawa: Well, I am just saying that there are a lot of savings.

Chair Furfaro: I would appreciate it if you would just summarize, real quick.

Mr. Kagawa: Well, there are a lot of savings there from going with the vertical expansion and we are paying only three hundred thousand dollars (\$300,000). If we went with the lateral expansion, it would cost nine million dollars (\$9,000,000). So, right there is a lot of savings. It should go to the west side.

Chair Furfaro: Thank you and I hope you understand and others understand, the item that is posted on the agenda is dealing with a special consideration for money to respond to what the Department of Health has told us is a time constraint on what our original plan was. That is the item that was posted. I know it is a very sensitive issue and it is complicated as well with its history. But Mr. Dill, you do need to be prepared for these things in the discussions that I have decided to post and to *kōkua* you guys, this is what I am going to do. On April 3rd, I will have a posting for a public hearing. Mr. Clerk, are you fine with that? Followed by, after that public hearing, a second reading. Mr. Clerk, are you in agreement with that?

Mr. Watanabe: After the public hearing, Mr. Chair, we will have this on the Committee Agenda?

Chair Furfaro: Yes, for discussion.

Mr. Watanabe: Yes.

Chair Furfaro: And that will be April 3rd?

Mr. Watanabe: Yes.

Chair Furfaro: So, on April 3rd we are going to do both. I have time to talk to the individual members off record for their discussion points and for Mr. Rapozo, I am going to say I am going to expect AECOM to be available to us on the date I just mentioned. In addition, we are going to have in the Environmental Services Committee, a Workshop before year end. I want to remind you folks that your consultant needs to respond to these Council requests. We are the customer. Okay? Also, in following the Rules, we will leave the Money Bill in the Finance Committee. By Charter we are required to do that and that will be on the 3rd as well. Okay? So, watch for that posting as I layout the agenda with the Clerk. Gentlemen, I am going to excuse you and take public testimony now.

There being no objections, the meeting was called back to order and proceeded as follows:

Chair Furfaro: Mr. Clerk, do we have anybody that is signed up?

Mr. Watanabe: We have one (1) registered speaker. Her name is Bonnie Bator, representing 'ohana and me.

Chair Furfaro: Bonnie, you are going to need to introduce yourself for the record first.

There being no objections, the rules were suspended to take public testimony.

BONNIE BATOR: I live in Anahola Village. I have been blessed to live in Hawai'i *nei* for four (4) decades and I will proceed with my testimony. Dear Chairman, Vice Chair, and members of the County Council, *aloha*. I appreciate this opportunity to comment on the first reading of Bill 2473. I understand that Bill 2473 is needed, however, please add the caveat of addressing the cost effectiveness of establishing a Task Force for mandated recycling for all trash, commercial ventures, including restaurants, Pacific Missile Range Facility (PMRF), the Visitor Industry, its spin-off ventures, airports, resorts, restaurants, etcetera, snowbirds, time shares, residents, Costco, Wal-Mart, schools, airport, etcetera, etcetera. Said Task Force would be self sustaining with fines and incentives for those entities/residents that are in compliance versus the cost of environmental and monetary cost of building the MSWL, Municipal Solid Waste Landfill. I am sure there are grants available as seed money to start a Task Force which would provide at least thirty (30) jobs. As Larry Dill, the Head of the Department of Public Works, stated and in that PowerPoint, they have been spending sixty million dollars (\$60,000,). So, I am sure that you folks can dig up some money for enforcement for recycling. It is 2013. Many Counties and States have mandated recycling. I know many people will be angry that I have come before the County Council with this request. They will say things, many things against me urging this body to enforce recycling. However I say *aloha 'aina*. Purporting to love Kaua'i and not recycling is hypocritical. Sure it takes a little time and everyone has at least two (2) jobs. But if one truly loves Kaua'i, recycling is a must. No large acreage on Kaua'i would need to be trashed as a dump. Kekaha

has shouldered the burden of having a dump for many years. I support the community in phasing it out. Mandated recycling would render the proposal for a new Municipal Solid Waste Landfill "nil" at Ma'alo which sits on two hundred seventy (270) acres of crown land, it is prime agriculture with irrigation. It is close in proximity to wetlands with watershed and adjacent to Kapaia Stream. Ma'alo is the sustainability that the Council and the Mayor promotes. Mandated recycling is key to avoiding catastrophe of leachate, which is garbage juice, entering the water table. Heal Kekaha land that has been used as a dump, mandate recycling, *mālama* Kaua'i. Waste stream diversion through recycling would reduce the need for a new dump.

Mr. Watanabe:

Three minutes.

Ms. Bator: Secondly mandating composting is another huge thing which diverts waste stream. The County of Kaua'i, Solid Waste Division has provided free composting containers. But there are a lot segment of residents who are not *ma'a* or familiar or experienced, accustomed or used to composting and/or recycling. But hardly any residents or businesses participate and you can sell that compost which would generate cash flow. If the County attempted this endeavor it would compete with various garden suppliers who sell bags of compost for a considerable amount of cash. This could also fund the mandatory Task Force and recycling and I concur with Councilmember Yukimura and Councilmember Rapozo for an Emergency Diversion Plan which was raised as Councilwoman JoAnn Yukimura stated five (5) years ago. How much is this consultant being paid, AECOM or Earthworks or whatever? How much has the taxpayers paid for these guys to do an inept *dakine*? *Mahalo* for your valuable time. *Imua* the recycling. Thank you so much.

Chair Furfaro:
questions for you.

Okay, Bonnie, let me see if there are any

Ms. Bator:

Mahalo, Chair.

Chair Furfaro:
testimony.

Members? No? Thank you for your

Ms. Bator:

Mahalo Nui. Aloha. Aloha 'āina.

Chair Furfaro:

Is there anyone else signed up, Mr. Clerk?

Mr. Watanabe:

No registered speakers.

Chair Furfaro: This is a Special Council Meeting not to be confused with the Committee Meetings later this morning. But in the Special Council Meeting, Mr. Mickens, you submitted testimony and want to speak?

GLENN MICKENS: Thank you, Jay. Yes, Jay, you have a copy of my testimony. This is a testimony from John Hoff who regrettably cannot be here today. This testimony also parallels what JoAnn says about emergency measures to promote recycling of our waste and also what Bonnie's testimony says along with all Councilmembers and the public's concern. This is an emergency, but it appears that our consultants are not handling it as such. Let me quickly read John's testimony, please, with your permission Jay. Mr. Chairman, fellow Councilmembers, fellow citizens, I apologize for not being present today to read my

testimony. Health issues have prevented me from attending this Council Meeting. My testimony today is in no manner an attempt to block the needed funds needed for the Kekaha Landfill vertical and horizontal expansions. I am certain that such emergency efforts of such a Task Force need to be made and will continue to be made in the very near future concerning the inept performances over the past nineteen (19) years on the part of our government officials and agencies for not resolving our island's garbage disposal needs many years ago. My purpose today is to offer suggestions to this body, open your minds, and initiate a political will, a commitment to resolving Kaua'i's ever growing garbage and waste disposal issues in a manner using logic, good old common sense, and frugality. Some of you here today are you aware of the fact that in 2008 a partner and I brought one hundred thirty million dollars (\$130,000,000) to Kaua'i to establish a recycling and manufacturing park which we were going to do after to the Kekaha Landfill site. This project proposed to dispose of one hundred eighty (180) tons per day of Kaua'i garbage plus additional waste from private sectors, parties dealing with paper, cardboard, plastic, green waste, etcetera. These waste materials were to be separated with the bulk of material to be manufactured in an alternate clean fuel to be burned in order to generate thirty (30) megawatt hours of electricity per day. Apparently and unfortunately this offer was not considered important enough to come back to lure the pomp and pageantry of the swearing in of elected officials. Much later a meeting was held with the Mayor, his Assistant, the Finance Director, the Waste Management Division Director, and the Head of KIUC along with my partner and I and along with another interested party, Jose Bulatao. At that meeting it was agreed that a proposal could be made and submitted after confidentiality documents were signed. The proposal was not submitted since KIUC would not sign the confidential agreement. This suggestion to this Council is as follows, continue on with the landfill expansions, in addition, give a serious look into the reality of our proposal of eliminating one hundred eighty (180) plus tons per day of garbage and other solid waste from our island, as well as generating thirty (30) megawatts per hour of electricity daily to be sold to KIUC at a price cheaper than KIUC is now paying A&B for their solar electricity which...

Chair Furfaro:

Glenn, that is your first three (3) minutes.

Mr. Mickens: Thank you, Jay. Twenty cents (\$0.20). Their solar electricity which is twenty cent (\$0.20) per kilowatt hour. The reliability of this technology is readily available. One suggestion is Hurst Broiler, a company of seventy (70) years. Also, we are not adverse to competitive bidding. With common sense and logic, this body could be saving the taxpayers millions of dollars in killing two birds with one stone compared to the Green Energy Team LLC's proposal for six point seven (6.7) megawatts per hour, costing ninety million dollars (\$90,000,000). That is thirteen million four hundred thousand dollars (\$13,400,000) for six point seven (6.7) megawatts compared to one hundred thirty million dollars (\$130,000,000) for thirty (30) megawatt per hour plus aiding in the resolving of Kaua'i's garbage, solid, green waste issues. A few thoughts to seriously consider. Please contact me if you are interested in the above suggestions. I am certain that I have proper information delivered to this body and a representative who can speak before the Council. I thank you for your time and wish you *aloha*.

So, This is just another suggestion that I think there are alternate things out there that we should be, like JoAnn said, curbside recycling, pay-to-throw, all kinds of things. But it seems like we are stagnated. As Mel so well pointed out, this is ongoing, this is not something that happened yesterday. But we are not treating it like an emergency. If we have consultants that are supposed to be giving us, as you

are saying Jay, who are these guys? If they are not doing their job to get some other consultants. It is ridiculous, it seems to me to just keep on going with the same people if they are not addressing this issue as an emergency. But as Ross pointed out they have that Mount Trashmore out there just going out of sight, it is ridiculous. Those people out there are suffering from it and we are going to be spending another one million dollars (\$1,000,000) maybe to give to those people. But that is not what they want. They want something done with their neighborhood. Anyway, thank you very much, Jay.

Chair Furfaro:

Thank you, Glenn. Ken, come right up.

KEN TAYLOR: Chair, members of Council, my name is Ken Taylor. It is really sad to see us here again today with this issue in the form it is on. Over the last few years that I have been here on the island, an issue that has been before the Council a number of times and we keep hearing that well, this activity will take care of us until the new landfill is in place and now we are seeing that we even have to expand some more. Somebody is not doing their job properly. It is as simple as that. I agree with JoAnn's comments that diversion is a very important part of this activity and we need to get on with a good diversion program and we seem to be dragging our feet and that is a shame. But I also know that it is going to take some time and I think that Mel's reference to shredding is a short term part of the plan. Why were these items not considered in this proposal today? I just do not understand that we keep hearing every year all of these things and it is not like they have not been talked about. But it seems like they hear the issues and they put them on the shelf or ignore them or whatever. It is really sad that we get down to having our backs against the wall once again. I mean, four (4) or five (5) years ago we were told that we had our backs against the wall and here we are today, asking for additional expansion and we have not accomplished anything. So, I just hope that you folks will take the necessary measures to push harder to get some resolution to this issue. I go back to our constant hearing of the checks and balances. But I have to wonder again, where are the checks and balances when we continue to see these kinds activities taking place? It is frustrating not only for myself, but for a lot of people I talk to in the community. Again, I believe the comment that Mel raised that with additional expansion of the landfill in Kekaha, they are entitled to some additional compensation for all of this. So, I hope that will all be considered as we move forward. Thank you.

Chair Furfaro: Ken, I just want to make sure that you understood, the three hundred thousand dollars (\$300,000) that the Engineering Department is asking for is not going to solve the eight million dollar (\$8,000,000) problem that is in the CIP Budget. I just want to make sure we all understand. That work still has to be done and then the twenty (20) years of monitoring its closure still has to be done. So, I just want to make sure that we are clear on that and I also want to say to you, that this Council has been challenging the process for a very long time. But as you know, in the Charter, we cannot direct the Mayor's personnel. But your comment about staying focused and challenging was well heard. Thank you very much.

Mr. Taylor:

Thank you.

Chair Furfaro:
more speakers.

On that note, I believe we do not have any

There being no further testimony, the meeting was called back to order, and proceeded as follows:

Chair Furfaro: What I would like to do for the audience is cover a couple of procedural pieces here since we have several people in the audience today. This was a special posted meeting as will some of those that I mentioned for April 3rd will be. Today is the closure of a Special Council Meeting of which I Chair. We are going to take a ten (10) minute recess for a caption break and we are going to come back and call the Planning Committee together for the various agenda items today. Today is a Committee Meeting. Committee Meetings are governed by five (5) members of the seven (7) member Council and led by the Committee Chairs of each Council Committee. Today we will take them in this order. The Planning Committee will be first under Planning Committee Chairwoman Nakamura, followed by the Environmental Services Committee, followed by Public Works / Parks and Recreation Committee, and then Finance. So, on that note, members, we have to call a...

Mr. Watanabe: Roll call on the Bill.

Chair Furfaro: Thank you. We are doing the roll call now on the motion and second on the special funding for today's Special Council Meeting.

The motion for passage of Proposed Draft Bill No. 2473 was then put, and carried the following vote:

FOR PASSAGE:	Bynum, Hooser, Kagawa, Nakamura, Rapozo, Yukimura, Furfaro	TOTAL - 7,
AGAINST PASSAGE:	None	TOTAL - 0,
EXCUSED & NOT VOTING:	None	TOTAL - 0,
RECUSED & NOT VOTING:	None	TOTAL - 0.

ADJOURNMENT:

Chair Furfaro: Thank you very much. That concludes the meeting of the Special Council Meeting for today. We are going to take a ten (10) minute recess and we are going to come back to the Committee Meetings in the order that I just mentioned. Thank you very much. We are adjourned.

There being no further business, the meeting was adjourned at 10:10 a.m.

Respectfully submitted,



RICKY WATANABE
County Clerk